

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN LOYD POOLE, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

LABORATORY CORPORATION OF
AMERICA,

Defendant.

Case No. 1:21-cv-01805-AWI-BAK

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY THIS CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE AND FAILURE TO COMPLY
WITH A COURT ORDER

(ECF Nos. 3, 8, 9)

FOURTEEN (14) DAY DEADLINE

On December 23, 2021, Defendant Laboratory Corporation of America (“Defendant”) removed this action from Kern County Superior Court. (ECF No. 1.) On December 27, 2021, the Court issued an order setting an Initial Scheduling Conference for March 22, 2022, and directing the parties to file a joint scheduling report one full week prior to the conference. (ECF No. 3.) On March 16, 2022, the Court continued the Initial Scheduling Conference to May 24, 2022 at the parties’ request and reminded the parties to file a joint scheduling report one full week prior to the conference. (ECF No. 8.) On May 18, 2022, after the parties failed to timely file a Joint Scheduling Report, the Court issued an order directing them to do so by March 19, 2022. (ECF No. 9.) To date, the parties have not filed their joint scheduling report or otherwise responded to the Court’s order. Thus, the Court will vacate the Initial Scheduling Conference and will order

1 Plaintiff to show cause why this case should not be dismissed for failure to prosecute and failure
2 to comply with a court order.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The Initial Scheduling Conference currently set for May 24, 2022, is VACATED; and
5 2. Plaintiff shall show cause why this case should not be dismissed for failure to
6 prosecute and failure to comply with a court order. Plaintiff shall file a written
7 response within fourteen (14) days of entry of this order.

8 **Failure to respond to this order will result in a recommendation that this case be**
9 **dismissed.**

10 IT IS SO ORDERED.
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12 Dated: May 23, 2022

13 /s/ Eric P. Gray
14 UNITED STATES MAGISTRATE JUDGE
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